

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GE RENEWABLES NORTH AMERICA, LLC,

Plaintiff,

v.

SKF USA INC.,

Defendant.

Case No. 23 Civ. 9274 (PKC)

DECLARATION OF JEFF E. BUTLER

Jeff E. Butler declares and states as follows:

1. I am a member of the firm Clifford Chance US LLP, counsel for Plaintiff GE Renewables North America, LLC (“GERNA”) in the above-captioned action. I am submitting this Declaration in opposition to the Motion to Dismiss filed by Defendant SKF USA Inc. (“SKF”). The statements in this Declaration are based on my personal knowledge and my review of GERNA documents in connection with this case.

2. Attached as Exhibit 1 is a true and correct copy of Addendum Number Two to the Supply Agreement executed on December 14, 2017.

3. In connection with this case, I have reviewed copies of 76 unique purchase orders issued by GERNA to SKF in 2017, 2018 and 2019. In addition, a team acting under my direction has extracted the relevant data from these purchase orders for analysis.

4. The 76 purchase orders include orders for 1,528 units of the SKF main bearings at issue in this case. Purchase orders created in 2017 account for 10 units; purchase orders created in 2018 account for 1,198 units; and purchase orders created in 2019 account for 320 units. It should be noted that the collection of purchase orders reviewed to date appears to be incomplete.

My understanding is that the total population of SKF main bearings purchased by GERNA is 1,723 units.

5. Attached as Exhibit 2 is a true and correct copy of one of the purchase orders, which I believe to be a representative example.

6. Attached as Exhibit 3 is a true and correct copy of a Confidentiality, Standstill, and Tolling Agreement effective as of November 23, 2021.

7. This action was commenced in October 2023. Well before that time, I was aware that SKF had retained legal counsel in New York City in connection with this dispute. For example, on March 24, 2023, Christopher Healy of Duane Morris LLP, whose office is located at 1540 Broadway, sent me a letter regarding this dispute.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 24, 2024

s/ Jeff E. Butler

Jeff E. Butler